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Atari Online News, Etc.
A-ONE Online Magazine
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->From the Editor's Keyboard
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"Saying it like it is!"

At the moment, I'm actually able to breathe in air through my nose! This cold has been nagging me for over a week now and I just can't seem to shake it. However, I do feel better than I did earlier in the week. And my mouth is finally not too sore any longer after the surgery. Maybe by this weekend I'll be able to chew on both sides of my mouth!

The weather is finally starting to improve and show signs of it actually being spring. Sun and warmth is a welcomed sign. I'm ready for all of the rites of spring!

Just to prove that my head has cleared somewhat from under this cold, it's good to see in the news that public libraries are fighting back against the government financial hold over them due to the CIPA law. As you may recall, some months ago I mentioned how outrageous I thought this law was being handled. Filtering software on library computers just doesn't seem to be the answer to keep children free from seeing things they shouldn't see. And, it hinders adults. Some libraries are fighting back. It will be interesting to see what the end results will be.

Until next time...

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Best of Creative Computing Volume 1 on the Web

The Best of Creative Computing Volume 1 is now available on the Web in its entirety. Published in 1976, this book is a true classic, containing 300+ pages of articles and programs from the first six issues of Creative Computing magazine. (It is online with the permission of the copyright holder.)

<http://www.atariarchives.org/bcc1/>

A few highlights, in no particular order:

Playing PONG to Win

<http://www.atariarchives.org/bcc1/showpage.php?page=141>

Hunt The Wumpus (and other classic BASIC games)

<http://www.atariarchives.org/bcc1/showpage.php?page=247>

The Life and Times of Multivac - Science fiction by Isaac Asimov

<http://www.atariarchives.org/bcc1/showpage.php?page=111>

Supermarkets Are Going Bananas Over Computers - introduction of UPC codes

<http://www.atariarchives.org/bcc1/showpage.php?page=97>

A Computer Career for You? - Computers in the workplace in 1974

<http://www.atariarchives.org/bcc1/showpage.php?page=37>

Is Breaking Into A Timesharing System a Crime?

<http://www.atariarchives.org/bcc1/showpage.php?page=4>

Compute!'s Second Book of Atari Graphics

Compute!'s Second Book of Atari Graphics is now available on the Web -- full text and all the software.

Kudos to Allan Bushman, who did the scanning and HTMLizing;
and Ron Hamilton for doing the code.

<http://www.atariarchives.org/c2bag/>

Scott Adams Adventureland 1 on Cart

Lance at Video61 has announced:

The first of the famous SCOTT ADAMS S.A.G.A. graphics adventures is now available on cartridge for the atari 400/800/xl/xe/xegm computers.

Memory requirements are 48k. This is a awesome achievement by the combined talents of three very gifted, and dedicated atari coders.

Special thanks to SCOTT ADAMS for permission to release his ground breaking games on cartridge.

thanks,
lance

Video 61 & Atari Sales
22735 Congo ST NE
Stacy MN 55079
www.atarisales.com

MiNTNet Driver for RTL8139

There is now a MiNTNet driver available for RTL8139 based ethernet cards

available on <http://assemsoft.atari.org>. Milan owners will benefit, while Hades owners will need a 'private version' .. more info on my site.

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Regards,

Odd Skancke - ozk@atari.org - <http://assemsoft.atari.org>

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PEOPLE ARE TALKING
compiled by Joe Mirando
joe@atarinews.org

Hidi ho friends and neighbors. Before I get into my weekly rant, I just want to comment on Dana's comments about last week's column...

Yes, we're more than a little bit alike. We both have the same thoughts about what A-ONE should be (and what it shouldn't).

We're also different enough to keep things interesting. Thankfully, we're also both intelligent enough to realize that "different" doesn't mean "wrong".

Heck, we haven't spoken on the phone for months, but I know pretty much what the conversation would be like.

I'd be complaining about how busy I am at my day job, Dana would be complaining about not being able to get all the yard work done that he wanted to, my wife would be in the background wondering if we were making all of the various terms and acronyms up as we went along, and his wife would be in the background making fun of our pet prairie dog.

That's okay. She's suffered through more than a few of my jokes and stories, so she's allowed.<grin>

Also, another holiday is upon us. No matter what your religious preference, the fact that spring is here cannot be denied (unless, of course, you happen to be in the southern hemisphere).

Even though we've had an unusually mild winter here in the Northeastern U.S., spring is a welcomed sight. It's not just the warmer temperatures and longer days, it's also the fact that things are starting to grow out there. It's a time of rejuvenation and rebirth. That simple fact has been recognized since ancient times. Since the beginning of recorded history, this time of year has been tied to all sorts of mystical, magical occurrences. I'm not rebutting or making fun of any of them, and there's one very good reason why...

It's the fact that we can't do what nature does every year. With all of our science, technology, and knowledge, entropy still reigns supreme. Things continually break down and need to be repaired or replaced. In nature however, things re-order themselves every year. Trees grow and sprout new leaves, flowers pop up from the ground, seemingly of their

own accord, and the landscape comes alive, all without the help of man and his technology.

Of course, we ARE impacting nature. The now infamous greenhouse gases that we're putting out into the atmosphere are changing the surface of the planet no matter what industrialists say. And whether we take drastic steps to set things right or not, it will be set right not by us, but by Mother Nature herself. She will choose what the climate best suits her mood.

I find it interesting that Mother Nature really doesn't seem to care what we do. Since our actions (or inactions) will affect us as much as any other part of the biosphere, all She need do is wait until we are gone, and things will again seek equilibrium.

We must start to realize that our actions may have more far-reaching consequences than we imagine. Take our current attempts to curb greenhouse gases. It sounds like a great idea to cut down on all the greenhouse gases that we've become so good at releasing into the atmosphere. Cutting down on emissions will eventually, we hope, "close up" the hole in the ozone layer that appears annually over Antarctica. One of the greenhouse gases specified is methane. It acts as a blanket that keeps heat from escaping from the atmosphere. Cut down on methane in the air, and you'll cut down on global warming, right?

Right. Unfortunately, while methane is a greenhouse gas, it also breaks down in the atmosphere and one of the end products is... you guessed it, ozone. What this means is that, while the hole over Antarctica closes because there are less CFCs and such to destroy ozone, ultraviolet rays will become more intense around the equator because there will be less methane to break down.

I guess the lesson for us is that, no matter how well we think we've thought about how to fix a problem, there's no substitute for not causing the problem in the first place.

Well, let's get on with the news and stuff from the UseNet.

From the comp.sys.atari.st NewsGroup

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Grzegorz Pawlik asks for help with AniPlayer:

"I have come across a mp3 file that cannot be converted to avr using Aniplayer. It is played correctly on PC, it also seems to be possible to play it directly by Aniplayer ("seems" because my TT is a bit (6x) too slow to play mp3) but when I try to save the sound in any format (avr, wav...) after 7 minutes 32 seconds I get an alert box with "stream error" or something ;-)
What's going on? There is plenty of free space on the disk drive, and it does not seem to be a memory problem since I tried it with MagiC+NVDI (that takes much memory) and also with TOS to make as much free memory available as possible - and this message appeared always at this very point of the converted mp3 file... Why?"

Didier Meqignon, author of AniPlayer, tells Grzegorz:

"Normally your mp3 file is corrupted, you can try with "without error"

selected in the menu. It's possible than the result is a click at this moment inside the wav file."

Grzegorz tells Didier:

"Thanx! It worked!"

Joseph Place asks about connecting a hard drive up to his Falcon:

"I just received my Falcon (yeah!) mounted in a Wizztronics Falcon rack. It has a Seagate ST11200N SCSI drive, but no cable to the main board. Is J16 a 50 pin SCSI connector, or do I need a host adaptor?"

Robert Schaffner tells Joe:

"Please do not connect anything like a hard drive to this port. That is an internal expansions (CPU) port.

Falcons normally do not have an internal SCSI port. Only some modified models had an internal SCSI port nearly external SCSI port.

Hard drive standard internal is 2.5" IDE

You need a cable from external SCSI2 port to SCSI hard drive. Some SCSI2 to flat cable adaptors around on Misco magazine."

Joe tells Robert:

"Thanks Robert. I did find some schematics, and I bought an adaptor and hooked up the drive to the external port. It is working fine."

John Perez asks for opinions on internet solutions:

"Back before I had broadband, I tried a few different options with regard to Internet software for the Atari, but a lot has changed since then.

I want to ask for opinions as to the fastest and most stable TCP/IP stack and Internet software for Atari computers.

I intend to set up a NetBSD, Linux, or MiNT server on a TT030 with a Riebl Ethernet card attached to my network, which would server to feed TCP/IP to several computers via null modem on serial ports.

Alternatively, I could attach the TT030 directly to the network, although this would prevent any possibility of using a color video card for the TT (unless any of you know how to attach multiple VME devices.)

Here are some of the options that I am considering:

StiK
STinG
MiNTNet
MagiCNet

Draconis
WenSuite

Cab
Chimera

Please provide any feedback that you can."

Kenneth Medin tells John:

"As you want to run under MiNT I suppose MiNTNet is the natural answer?

I use STinG myself to connect a bunch of Ataris together in a network where one TT has a ROM port Ethernet adaptor and then via null modem talks to the others in several subnets. Works fine and is easy to setup if you know how to set up netmasks and addresses in a clever way.

I use Magic, Geneva and TOS, and STinG runs well with all these OS'es. By having a ftp server on each Atari I can also transfer files easily to and from the two PC's that are connected to this network as well. And yes, you can run the ftp server under single TOS as well if you like.

BNET is used to share drives between the Atari computers. It mostly works well but is not perfectly stable here.

With Weblight you can have a webserver running under STinG. I have kept mine online now for 1 1/2 years with an uptime of 98.5 % so it is very stable as well. It has really only been unreachable when my ISP has had problems on there own.

>Here are some of the options that I am considering:

>

>StiK

If you only have an Atari and want to dial in to your ISP, so not for you?

>STinG

My favourite

>MiNTNet

Se above

>MagiCNet

An interesting alternative for Magic users who want MiNTNet capabilities without running MinT, so not for you?

>Draconis

>WenSuite

>Cab

>Chimera

Really not related to your questions about tcp/ip stacks. I have only tested CAB and it mostly gets the job done. As I do all my news/mail on the Atari I use CAB to display links in messages when I click on them. It is a bit slow but that does not matter too much as I have a semi permanent (ADSL) Internet connection."

Jo Even Skarstein adds:

"MiNTnet for MiNT, and MagiCnet for MagiC. STiNG works fine, but performance is not nearly as good as with MiNTnet (and probably MagiCnet from what I've heard). You won't notice much difference with a serial line, but with ethernet the difference is very noticeable. I'm using STiNG under MagiC and MiNTnet under MiNT on my TT (ROM-port adapter from Elmar Hilgart) and the difference is striking. It's just so faster and smoother with MiNTnet.

Riebl? Hmm... I have one, and the drivers for it (both for STiNG and MiNTnet) are very, very unstable. I wouldn't recommend using it with the current drivers.

If you can find a second VME-connector, you can just daisy-chain it with the one already installed. However, not all combinations of graphics cards and ethernet cards will work."

Brian Van Tilborg asks about two serial port patches:

"I have HS modem in all my computers. But one that I recently got has the Fast Serial fix, which is pretty simple all the same. Can I use this instead of HSMODEM with STing? "

Mike Freeman tells Brian:

"Yes. I used it for quite some time. For some reason, I couldn't get HS Modem to work with Geneva, but things worked beautifully when I tried FastSerial. No trouble whatsoever. The only downside I saw was that you couldn't change the serial buffer size without a patch like the serial buffer AUTO prg that came with either Wensuite or Draconis (not sure which). Run Fast Serial before the Buffer program in the AUTO folder, and you're all set. Very little setup to do with the thing.

Another downside... It didn't seem to like Magic very much, so I had to switch to HS Modem for that OS. So I use both, depending on the OS I use, and I see little or no difference in the connection speed and stability."

Well folks, that's it for this week. Have a happy, healthy, and safe holiday weekend. And remember to keep your ears open so that you'll hear what they are saying when...

PEOPLE ARE TALKING

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->In This Week's Gaming Section - Game Creators' Ethical Issues!
"-----" Mario To Hit GameCube!
Xbox Sales Missing Targets!
And more!

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->A-ONE's Game Console Industry News - The Latest Gaming News!
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Game Creators Tackle Ethical Issue

The video game industry really cares about you.

That's reassuringly evident after attending a few lectures and panel discussions at the Game Developers Conference, where game creators this week discussed everything from metaphysics to racism, all with the goal of producing games that are more fun and maybe even display a little social responsibility.

Take the panel on the addictive quality of games: In a discussion reminiscent of the scene in "The Godfather" in which the five families debate the ethics of peddling street drugs, game makers wondered whether it's possible to make a game that's too compelling.

Besides the ethical implications of customers devoting excessive time to a game, at the expense of family and other real-life elements, it's not good game design to rely on addictive behavior, game designer Steve Meretzky said. Players will stick with a game just to finish it, he said, but they may not be having much fun toward the end, a bad idea for a business based on fun.

"It's the feeling of investment," he said. (The player thinks) "I've put a lot of time into this game. Even if I'm not enjoying it, I need to keep going so it's not all wasted time."

As far as ways to limit addiction, nobody had a solution.

"Even if you accept that we have a social obligation here, what do you do?" Mertzky asked. "I don't think anyone would stand for it if they were playing a game and a window popped up saying 'You've played for three hours--that's it.'"

A roundtable on violence in games inspired some of the most spirited debate of the conference, with developers arguing over hot-button issues such as the value of rating systems and the effect of violent entertainment on kids.

Few, however, argued against the idea that gratuitous violence has played too big a role in some video games, becoming a "design crutch," according to conference program director Jason Della Rocca, when developers can't think of a better way to make a game exciting.

"I don't think we need to make more of these stupid games where you run around killing everyone," a developer agreed.

Attendees also agreed that the industry needs to do a better job of informing parents of exactly what is in a game before they let their children play it. "I don't think any one of us is going out trying to

sneak violence into games or sneak it past parents into their homes," said a developer experienced in shooting games.

Racial issues were the subject of another roundtable, with panelists decrying the ethnic stereotypes that dominate characters in some games, a situation that may be related to the scarcity of minorities in the upper echelons of the game business.

Moderator Darrell Porcher, e-commerce manager for Sony's game site, said game industry jobs are fairly open for programmers and similar jobs. But few programmers, minority or otherwise, rise to levels where they decide which games go on the market.

"There are people who have been in the business for 20 years, making decisions about what's realistic, what's cool, and they've never been outside a middle-America environment," he said.

Creative issues also grabbed attention, including veteran game developer David Braben's critique of current storytelling capabilities in games. "Most games today have nursery-rhyme stories," he said. "The stories are essentially an excuse to unfold a series of action sequences."

Narrative improvement depends on significant advances in dialogue. Characters who react to each move and the player, instead of mouthing prerecorded sound bites, could bring games closer to a cinematic experience, Braben said. But such capabilities will require major technological leaps.

"One of the technologies we're going to need is the ability to generate speech on the fly," he said. "It's a frighteningly daunting technology challenge. We need an absolutely huge leap in game logic."

Nintendo Sets Launch for Next 'Mario' Title

Mario, the pudgy little plumber who bounced across video game screens to build an international gaming empire in the 1980s, will leap back into American living rooms this summer, publisher Nintendo Co. Ltd. said on Monday.

"Super Mario Sunshine" will debut Aug. 26 for Nintendo's newest console, the GameCube, the company said, finally pinning a date on a title that has been hotly anticipated since it was first announced at the industry's Electronic Entertainment Expo (E3) in June of last year.

The "Mario" franchise dates back 21 years, when he was a bit player in Nintendo's hit "Donkey Kong," but the property's real success began in the United States in 1985 with the launch of "Super Mario Bros." for the Nintendo Entertainment System (NES).

Two sequels followed on NES and subsequent Mario titles accompanied the launch of Nintendo's Game Boy, Super NES, Nintendo 64 and Game Boy Advance.

All totaled, the primary Mario titles have sold 155 million units worldwide, including 40 million alone for the original "Super Mario Bros.," and the franchise has grossed, by Nintendo's estimate, over \$7 billion in total.

The GameCube, which was launched in November, was the first Nintendo hardware platform not to debut with a Mario title alongside in over 15 years.

It did, however, have "Luigi's Mansion," a game centered around Mario's lesser-known brother Luigi. That game was one of the top sellers for GameCube in 2001.

Both titles were the brainchildren of Nintendo's legendary head designer, Shigeru Miyamoto, who of late has decried the advances in video game graphics at the expense of an emphasis on story telling.

Like most other top game titles, "Super Mario Sunshine" is expected to retail for \$49.95 when it is released.

Xbox Sales Seen Missing Target

Microsoft is unlikely to meet current sales targets for its Xbox video game console, owing to weak sales in Japan and Europe, according to a report released Wednesday by investment bank SoundView Technology Group.

Analyst Mark Specker said that based on data from market researcher NPD Techworld, he now expects Microsoft to ship 4.35 million units of the game machine worldwide in the current fiscal year ending June 30, compared with his previous estimate of 4.6 million. Microsoft has set a sales target of 4.5 million to 6 million units for the year.

Specker wrote that Xbox sales during the current quarter have lagged, mainly because of international markets. The game machine's arrival in Japan was greeted with lackluster sales and reports of product defects. The Xbox is expected to fare better in Europe, where it went on sale this month, but the console's relatively high price may be dampening sales there.

"While we believe that Xbox prospects remain healthy long-term," Specker wrote, "short-term, we believe that our Xbox assumptions for (the 2002 fiscal year) are at risk.

"We believe a number of factors have hampered Xbox run rate in the March quarter, and we are looking for improvements in these areas in the June quarter, including improved supply in the U.S. market, acceleration from seasonally slow January and February months, as well as...momentum" from the E3 game trade show in May.

A Microsoft representative declined to comment on the report.

'Grand Theft Auto 3' Extends Game Sales Stranglehold

Take-Two Interactive Software Inc.'s "Grand Theft Auto 3" continued its run atop video games sales charts in February for the fourth straight month, according to sales figures released Tuesday.

The criminal adventure game has dominated both sales and rentals since its late October release, and has lead Take-Two, which is under investigation

by federal regulators for accounting problems, to raise guidance for the fiscal year.

According to the statistics, released by research service NPDFunworld, Take-Two and its subsidiaries had five top-20 titles in the month; no other publisher had more than two in the period.

The top game console in the month was Sony Corp.'s PlayStation 2, with nine of the top-20 titles, including five in the top 10.

Following the PS2 were Sony's original PlayStation, with four top-20 titles; Microsoft Corp.'s Xbox, with three; and Nintendo Co. Ltd.'s GameCube and Game Boy Advance, with two each.

Nine titles entered the top-20 list in February, including Nos. 2-7. Seven of the nine were new in the month, while the other two were older PSX games.

The top 10 games for February, based on units sold, according to NPDFunworld:

Rank	Title:	Platform:	Publisher:
1	Grand Theft Auto 3	PS2	Take-Two
2	State of Emergency	PS2	Take-Two
3	Super Mario Advance 2	GBA	Nintendo
4	Sonic Advance	GBA	THQ
5	Sonic Adventure 2	GameCube	Sega of America
6	WWF RAW	Xbox	THQ
7	Wreckless	Xbox	Activision
8	Final Fantasy X	PS2	Square EA
9	Max Payne	PS2	Take-Two
10	NBA 2K2	PS2	Sega of America

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Court to Hear Net Filtering Challenge

A group of free-speech advocates is gearing up for a trial that could determine the constitutionality of a law requiring schools and libraries to filter Web content or forgo federal funding.

A three-judge panel at the U.S. District Court for the Eastern District of Pennsylvania will hear arguments Monday regarding the controversial censorship law, known as the Children's Internet Protection Act (CIPA). Signed into law in 2000 by then-President Bill Clinton, CIPA requires schools and libraries to block visual depictions of pornography, obscenity or other material deemed offensive to children to qualify for funds set aside by the government to help pay for computers and Internet access.

The American Civil Liberties Union (ACLU) and the American Library Association (ALA) are challenging the law, saying it violates the First Amendment. The challengers also argue that it discriminates against people who rely on libraries for Internet access by forcing them to view filtered material even if they are adults.

"This law will affect the poor and the people who don't have access to the Internet except through their public library," said Judith Krug, director at the ALA office for intellectual freedom. "As American citizens and under the First Amendment, we have the right to access the legal information and ideas that we need and want, and filters are going to preclude us from doing that."

Chuck Simms, an attorney with New York law firm Proskauer Rose who is representing the government in the case, could not be immediately reached for comment.

CIPA is the latest censorship law to be challenged in the courts by civil-rights groups concerned about potential censorship online. Previous online-porn laws have been struck down by the courts, including the Communications Decency Act, a law that would have made it illegal to deliver indecent material over the Web. Five years ago, the Supreme Court overturned major portions of the bill, saying such content is considered protected speech for adults.

Under CIPA, libraries and schools must show by October that the filters are installed to receive education rate, or e-rate, funding. The e-rate program is designed to help wire the nation's 84,000 public schools and 16,000 public libraries.

"We want libraries to continue to be places where speech is free and where reading is not regulated," said Lee Tien, senior staff attorney for the Electronic Frontier Foundation, which is acting as counsel to the ALA and ACLU case. "This law is a way of basically strong-arming through federal dollars...arming libraries into controlling and restricting content coming over the Internet."

Porn Trial Experts Say Software Block Limited

Filtering software intended to protect children from exposure to pornography on library computers is doomed to fail despite its congressional endorsement as a viable safeguard, computer experts testified in federal court on Tuesday.

Two witnesses, called by plaintiffs at a constitutional trial that could overturn the latest bid by Congress to control online smut, said filters such as Cyber Patrol, SmartFilter and N2H2 cannot block sexually explicit material on the World Wide Web without also denying access to innocuous sites.

That could prove crucial in the deliberations of a special three-judge panel that must decide whether to impose a permanent injunction against the Children's Internet Protection Act, or CIPA, on grounds that it violates free speech rights protected by the First Amendment to the U.S. Constitution.

Worse still for parents who rely on filtering software for protection on

home computers, witnesses said the products also consistently allow some Web sites containing objectionable material to get through to the viewing screen.

"My conclusion after reviewing 40 studies is that filters are systemically flawed," said Christopher Hunter, a communications doctoral candidate at the University of Pennsylvania who did research for libraries, library patrons and Web site operators that have sued to block CIPA.

He estimated software filters blocked benign Web sites 21 percent of the time while successfully stopping objectionable material 69 percent of the time.

Stanford University linguist Geoffrey Nunberg testified that the crude mathematical methods used to operate filtering software were no match for human judgement.

"These are problems that ... can't be overcome," said Nunberg, an expert in automated classification systems.

He said that even if filtering software were more than 90 percent accurate at stopping material deemed harmful to minors, the number of innocuous Web sites blocked would still be enormous given the breadth of the Internet.

CIPA, signed into law in 2000 by President Bill Clinton, was the third attempt by Congress to restrict access to the Internet and its estimated 11 million World Wide Web sites, about 1 percent of which experts say contain some sort of sexually explicit material.

It would require libraries to install filtering software on computers or risk losing millions of dollars in subsidies that provide library patrons with Internet access. The Justice Department, which is arguing the case for the government, has postponed compliance until July 31 because of the litigation.

The first law to control online smut was thrown out by the Supreme Court as an infringement of free speech. A second remains sidelined by an injunction with the U.S. high court due to issue a final opinion by mid-year. Both would impose criminal penalties on violators.

Any appeal of the final ruling by the CIPA judicial panel, headed by 3rd U.S. Circuit Court of Appeals Chief Judge Edward Becker, goes to the U.S. Supreme Court.

Supporters say CIPA is the government's best shot at controlling online smut because it deals only with funding and not with direct restrictions on Internet access.

Hunter said many of the Web sites he found blocked by filters were operated by gay and lesbian groups.

Witnesses testified to the inconsistency of filtering software said a program might block the word, vibrator, but not, vibrators. Or they may block an online magazine article that asks whether President Bush's speaking style is sexier than former Vice President Al Gore's, but not full-color photographs of sex acts unless they are accompanied by suggestive or objectionable text.

U.S. Government Mounts Defense of Library Porn Law

The U.S. government sought on Thursday to defend a law intended to protect children from online pornography in public libraries, with testimony about Internet software that allows library patrons to view explicit text but not photos on the World Wide Web.

David Biek, main branch manager for the Tacoma Public Library in Washington state, told a judicial panel that such software could filter out objectionable photographs without hindering the free flow of information.

"Users can get to any Web site and retrieve the text-only version of the Web site. The text is not blocked," Biek said at a constitutional trial over library access to the World Wide Web's 11 million sites, more than 100,000 of which are believed to contain sexually explicit material.

His library also provides patrons with an automated system for placing anonymous requests to unblock Web sites with redeeming social value, such as online sex manuals or portrayals of Michelangelo's nude masterpiece, David.

Those claims could prove key to the government's defense of the Children's Internet Protection Act, or CIPA, which is facing a constitutional challenge in U.S. District Court from plaintiffs led by the American Civil Liberties Union, who claim it undermines free speech rights enshrined in the U.S. Constitution.

CIPA, the third attempt by Congress to control online smut, requires public libraries to install filtering software that blocks objectionable material on the World Wide Web or lose millions of dollars in federal subsidies for Internet access.

Biek was the government's first witness after two days of testimony from the plaintiffs' witnesses, that included several librarians opposed to CIPA.

On Thursday, the court also heard an official from South Carolina's Greenville County Library blame open Internet access for several incidents, including the stalking of library staff by patrons, that occurred before the system installed filtering software to block pornographic and obscene Web sites. "I was shocked," library board chairman David Sudduth testified.

A special three-judge panel headed by Edward Becker, chief judge of the 3rd U.S. Circuit Court of Appeals, is expected to rule on CIPA's constitutional merits by early May. Appeals would go directly to the U.S. Supreme Court.

Signed into law in 2000 by then-President Bill Clinton, CIPA's effective date has been delayed until July. Advocates say CIPA provides the government's best shot yet at protecting youngsters from commercial pornographers who have proven relentless in their efforts to lure young online customers.

The first attempt by Congress to control online smut, the 1996 Communications Decency Act, was thrown out by the Supreme Court as an infringement of free speech. A second, the 1998 Child Online Protection Act, remains sidelined by a court injunction.

Critics view CIPA as an attempt by social conservatives to deny public

access to Internet sites that deal with controversial subject matter, including homosexuality and abortion rights.

Witnesses called by a coalition of plaintiffs that includes libraries, library patrons and Web site operators have spent days attacking the limitations of filtering software, saying it inevitably blocks benign sites protected by the Constitution.

But Biek testified the Cyber Patrol filtering software system used at 10 Tacoma library branches did not block two plaintiff Web sites, Safesex.com and the gay lifestyle site Planetout.com.

He also said few library patrons request Web pages that are filtered by blocking software, placing the rate at 0.5 percent to 0.6 percent of millions of Web page requests initiated on library computers each year.

Computer analyst Chris Lemmons testified that filtering software he tested blocked 7 percent or less of selected sites that contained no objectionable material. But judges suggested that sites chosen for his study may have been too innocuous to provide useful guidance to the court.

"You didn't run anything that said 'queer,' 'butch' or 'dyke'?" asked Becker.

"No, your honor," answered Lemmons.

Four filtering programs tested blocked 10 of 99 innocuous sites, he said, including one devoted to condom sales and another dealing with homosexuals and the Bible.

Court to Napster: Remain Offline

A federal appeals court said Monday that Napster Inc. may not resume its free online file-swapping service.

The decision by the 9th U.S. Circuit Court of Appeals upholds a federal judge's July ruling that ordered the Redwood City company to keep its free service offline until it can fully comply with an injunction to remove all copyright music.

The decision, though, has little practical effect.

That is because the same appeals court in July blocked the lower court's ruling from being enforced, but Napster never resumed its free service. Instead, it has focused on creating a paid online music service.

The appeals court's July decision blocked the order by U.S. District Judge Marilyn Hall Patel, pending the decision from the appeals court that was handed out Monday.

Monday's decision supports the shutdown order from Patel, who is hearing an ongoing lawsuit from several record companies charging that Napster violated copyright laws by allowing millions of users to download and swap protected music for free.

Patel issued the shutdown order July 11 after a court hearing in which Napster said it was about to restart its music-sharing service following a

one-week hiatus to retool its song-screening software.

At the time, Napster argued that it could block more than 99 percent of all infringing song files. But Patel told Napster it needed to block 100 percent of unauthorized copyright songs or stay offline indefinitely.

"The shutdown order was a proper exercise of the district court's power," Judge Robert R. Beezer wrote for the San Francisco-based appeals court.

The music industry's lawsuit against Napster is continuing in San Francisco.

The case is A&M Records Inc. v. Napster, 01-15998.

Timetable Set in Napster Lawsuit

Napster will get a closer look at major record label documents that reveal the underpinnings of their business agreements in forming two online music ventures, a federal judge ordered Tuesday.

The song-swapping network is looking for evidence of copyright misuse to bolster its legal defense and limit damages in the record labels' copyright infringement suit against it.

The Big Five major labels, Sony, Warner, Universal, EMI and BMG, will have to forward more than 500,000 pages of documents to Napster that also have been provided to the federal government.

The Justice Department has been investigating possible antitrust issues at the labels for their formation of two online joint ventures, MusicNet and pressplay. Those ventures, each launched within the last six months, offer subscription music downloads for a monthly fee.

Napster claimed that the labels suing it are not entitled to extensive damages if they misused their recorded music copyrights in attempting to leverage them into greater monopoly rights.

The documents were expected to be turned over to Napster over the next month.

Napster also is entitled to look at internal record company documents regarding possible settlement discussions with and about Napster, U.S. District Judge Marilyn Hall Patel ordered at a hearing Tuesday.

Napster also will be able to take depositions from third-party companies that cut deals with MusicNet and pressplay while settlement talks between Napster and the labels languished.

Russell Frackman, a lawyer representing the record companies, disagreed with Napster's position that the documents could reveal an anti-competitive atmosphere among the labels to squeeze Napster out of the online music distribution market.

Napster secured a licensing agreement with MusicNet, the joint venture of RealNetworks, AOL Time Warner, Bertelsmann AG, and EMI Group, but says it still does not have the wide range of content necessary to relaunch as a subscription service.

Napster Delays Relaunch, Still Looking for Deals

Napster, the once high-flying song-swapping service that has been grounded by legal squabbles, has postponed its planned relaunch, the company said.

A statement on the Napster Web site said the company is "taking some more time to make sure we get the very best deals we can" from major music labels before it reopens for business.

Napster had initially hoped to launch the new service by the end of the first quarter.

The company has not set another relaunch date but its chief executive, Konrad Hilbers, told FT Deutschland on Wednesday it will not reopen a copyright-friendly Napster service for another nine months.

A Napster spokeswoman said no specific time frame for relaunch had been set.

The company needs to secure licensing deals from the major record labels before relaunching. Those negotiations have gone slowly while a lawsuit between the majors and Napster drags on in the U.S. courts.

In what Napster called a legal victory, U.S. District Judge Marilyn Hall Patel on Tuesday gave the service nearly 10 months to prove its claim that major record labels, which have sued it for copyright infringement, have actually misused copyrights and impeded competition.

"We are pleased that the court has agreed today to grant Napster the discovery schedule we proposed, allowing a reasonable amount of time for Napster to obtain and evaluate the extensive discovery material," Napster said in a statement.

The labels, seeking a summary judgement, had hoped to conclude the case in a few months.

In March 2001 Patel issued an injunction that effectively shut down Napster.

On Monday, a federal appeals court ruled that Napster could not restart the free service until it could prove it could fully comply with the injunction barring the trade of all copyrighted music from its service.

The ruling had little practical impact since Napster has shown little inclination to relaunch the old service, instead focusing on launching a new secure service to compete with subscription services, backed by major labels, launched in late 2001.

The big recording labels arrayed against Napster include AOL Time Warner Inc.'s Warner Music, EMI Group Plc, Bertelsmann AG's BMG, Vivendi Universal's Universal Music, and Sony Music.

Bertelsmann has subsequently become a major investor in Napster and is working to restart the service.

Meanwhile, one of Napster's original investors sued to oust half of its board of directors, saying the move was needed soon in light of a pending

offer to buy the company.

John Fanning, uncle of Napster inventor Shawn Fanning, filed suit Monday in Delaware Chancery Court to replace Hank Barry and John Hummer on Napster's four-member board with two new members, Joseph Amram and Martin Kay.

The lawsuit claims that shareholders voted to change the board on March 24, but Barry and Hummer disputed the validity of the vote and also disputed conversion of Napster's preferred stock, which had controlled the votes in the privately held company, into common stock on March 11.

In a statement, Napster said the allegations in the lawsuit are legally groundless.

"Critical" Holes Trouble Microsoft

Microsoft released a patch late Thursday for a pair of "critical" security holes in its Internet Explorer Web browser but was still investigating a widely publicized vulnerability in its Windows NT and Windows 2000 operating systems.

The browser patch corrects two flaws. The first makes it possible for a malicious hacker to place code on a Web surfer's PC by way of a cookie. Cookies are small files that Web sites place in a secure area on surfers' PCs to track return visits. The flaw allows a script embedded in a cookie to be saved outside the secure area, on the PC's hard disk. The code can then be triggered the next time the surfer visits the site.

The second flaw would allow a malicious programmer to include code on a Web site that would automatically execute programs already present on a surfer's PC once the surfer visited the site.

Microsoft rated both flaws "critical" and advised PC users running version 5 through 6 of Internet Explorer to promptly download the new patch.

Microsoft does not have a patch yet, however, for a recently publicized hole in the software-debugging component of Windows NT and Windows 2000. Malicious users could take advantage of the flaw in the debug tool to gain elevated privileges on a server running either of the operating systems. They could then access, modify and delete otherwise protected files.

Reports of the hole began circulating in mid-March by way of security discussion groups and other Internet resources. But the flaw gained new attention Thursday when security services company Entercept Security Technologies issued a bulletin warning customers of the hole.

Entercept security expert Chad Harrington said the hole poses a moderate risk, because the attacker would have to exploit it in person rather than over the Internet. He said Entercept contacted Microsoft about the flaw more than two weeks ago but decided to go public with the problem now because news of the risk was spreading while Microsoft was still preparing a response.

"We were simply trying to educate people about something people in the hacking community already know about," Harrington said. "Generally we don't feel security researchers should publicize vulnerabilities until the

software vendor has a fix...but this was a special case. The poison was already out there."

Microsoft said in a statement that it is still researching the vulnerability, and appeared to criticize Entercept for raising the alarm. "We are concerned that this report has gone public before we've had a fair chance to investigate it," the statement read. "Its publication may cause our customers needless confusion and apprehension or possibly even put them at risk. Responsible security researchers work with the vendor of a suspected vulnerability issue to ensure that countermeasures are developed before the issue is made public and customers are needlessly put at risk."

Microsoft is working with security researchers to develop guidelines about how and when software vulnerabilities should be reported. The issue has become part of the company's "Trustworthy Computing" campaign to make security a priority in its products.

Harrington said a temporary fix for the vulnerability was available from the German branch of the Computer Emergency Response Team.

HP Spends \$150 Million to Sell Merger - Walter Hewlett

Hewlett-Packard Co. board member Walter Hewlett on Monday estimated the company spent \$150 million to override the opposition he led to the proposed \$20 billion acquisition of Compaq Computer Corp.

"We're still trying to determine how much of the shareholders' money HP executives spent campaigning for this vote. Our best estimate at present is \$150 million," Hewlett told members of the Council of Institutional Investors, a group of large pension fund managers, drawing gasps from many in the audience.

An HP spokeswoman disputed Hewlett's estimate, but declined to say how much was spent in the unusual battle that featured dueling newspaper ads and intensive lobbying of both individual and institutional shareholders.

"The figure he has put out mischaracterizes and exaggerates the cost of the proxy fight," said spokeswoman Rebeca Robboy. "It's certainly not that high."

Hewlett, a key shareholder and son of a company founder, led a four-month effort to convince shareholders to reject the proposed deal, which he said would involve the company too heavily in Compaq's low-margin personal-computer business.

A source close to Walter Hewlett said he had spent about \$32 million to convince shareholders to vote against the deal.

The company claimed a narrow victory after shareholders voted on March 19, but Hewlett has refused to concede. The final results were still being tallied and may take another two weeks to complete.

Gateway Lawyer Says Microsoft Pact Worsens Ties

The proposed antitrust settlement with Microsoft Corp. has allowed the software giant to impose onerous new licensing terms on computer makers, a lawyer with Gateway Inc. testified on Monday.

Gateway Group Counsel Anthony Fama also told U.S. District Judge Colleen Kollar-Kotelly that new uniform Microsoft discounts, based on volume, appear structured in a way that continues to favor cooperative computer makers.

Fama, called as a witness by nine states seeking tougher sanctions against Microsoft, said the new licensing terms for Microsoft's dominant Windows desktop computer operating system had worsened provisions that Gateway had already found objectionable in previous agreements.

"Microsoft has gained additional control over Gateway in the guise of a remedy," Fama said in written testimony.

The settlement reached in November between Microsoft and the Justice Department aims to give computer makers greater freedom to feature rival software and requires standard licensing and pricing of Windows to reduce Microsoft's ability to influence computer makers' software choices.

Microsoft adopted the terms of the settlement in December, even though Kollar-Kotelly is still weighing whether to endorse the pact under a separate proceeding.

A federal appeals court threw out some of charges against Microsoft in June but agreed the company had illegally maintained its Windows monopoly, sending the case to Kollar-Kotelly to consider appropriate remedies.

Kollar-Kotelly on Monday denied a Microsoft motion to throw out parts of Fama's testimony. Microsoft had tried to argue that, like many of the states' previous witnesses, Fama was discussing issues beyond the scope of the case.

Microsoft also issued a statement saying that "avoiding special concessions was precisely the point of (the provision) of the settlement agreement."

Fama testified after Red Hat Inc. Chief Technology Officer Michael Tiemann, who said last week that attempts to pre-install the Linux operating system on computers had foundered because the makers feared Microsoft would retaliate.

Microsoft spent much of Monday arguing that Red Hat had failed to popularize the Linux because of its own shortcomings, rather than interference from Microsoft.

Red Hat had spent little money on research and development, and dedicated few of its employees to winning over software developers to write programs for Linux, Microsoft attorney Stephanie Wheeler said.

Gateway's Fama said Microsoft had "incredible power" over computer makers and could still intimidate computer makers under the proposed settlement.

Fama said the volume discounts under the settlement gave the highest advantage to Dell Computer Corp. and Compaq Computer Corp. . These companies, Fama said, were found "more compliant" with Microsoft in the original trial court's findings of fact.

Unlike the states' proposed remedy, Microsoft is still allowed to use

market development allowances under the settlement plan, discretionary discounts for Windows that reward computer makers who follow Microsoft's goals in configuring their hardware, Fama said.

He also alleged that Microsoft was still preventing computer makers from asserting their hardware patent rights over any infringement by Microsoft under terms contained in the new Windows license.

Last month, Microsoft and the Justice Department announced they were dropping provisions in the settlement agreement that were interpreted by critics as weakening computer makers' intellectual property rights.

Fama also said Microsoft could more easily terminate the Windows license after two minor breaches under the standard license, down from three breaches under Gateway's previous license agreement.

The nine states opposed to the settlement would set a 60-day period to come into compliance after written notice of a material license breach, Fama said, with no "two strikes" or "three strikes" provisions.

Fama said Gateway received a letter from Microsoft on Dec. 12 saying the new terms would be effective for new licenses from Dec. 16 for the top 20 computer makers.

Gateway would no longer get royalty credits for computers returned by customers under the settlement. Fama also said Gateway would have to pay a Windows royalty to Microsoft on every machine it ships, even if the customer wanted a different operating system or no operating system.

The new licensing terms also allow a favored computer manufacturer to begin shipping new Microsoft software ahead of an official launch date, Fama said.

Under older agreements with Microsoft, Gateway was specifically authorized to begin distributing a product as early as any other manufacturer.

Microsoft countered outside court by offering testimonials from a list of other computer makers, known as original equipment manufacturers or OEMs, who had welcomed the new Windows licensing and pricing terms.

"The new Microsoft policies are good for all OEMs. A level playing field will allow us to concentrate on developing sales and not to compete solely on price," said Richard Leeds, chief executive officer of Systemax Inc.

The hearings on remedies are expected to go at least eight weeks.

Microsoft Judge Seeks US Comment on States' Rights

The judge in the Microsoft Corp. antitrust case has invited the U.S. Justice Department to comment on whether states seeking harsher penalties against the company have a right to pursue the case now that the federal government has agreed on a settlement.

Microsoft has asked U.S. District Judge Colleen Kollar-Kotelly to dismiss the demands by nine states, saying their action tramples on the federal government's role in setting national competition policy.

In an order issued late Monday, Kollar-Kotelly said it seemed prudent to seek the U.S government's view in light of Microsoft's concern for federal powers and the state of New York's assertion that the federal government has already affirmed the states' authority.

The nine states that have rejected a proposed settlement of the landmark case reached between Microsoft and the Justice Department in November have objected to Microsoft's petition along with 25 other states, including states that have agreed to the settlement, such as New York.

Microsoft's legal maneuver discounts state authority in antitrust matters and few states seem willing to set a precedent that would diminish their power.

Kollar-Kotelly said the United States, if it chooses to comment, should file its brief no later than April 15.

Hearings were continuing on Tuesday into the sanctions against Microsoft sought by the nine non-settling states, including California, Connecticut and Iowa.

Kollar-Kotelly is separately considering whether the proposed settlement meets a required public interest standard.

Judge Delays Decision On Scope of Microsoft Trial

A federal judge heartened state prosecutors Tuesday by saying she won't limit the scope of a trial on proposed antitrust sanctions against Microsoft before weighing all the evidence.

But Judge Colleen Kollar-Kotelly also asked the Justice Department to file comments on Microsoft's request to dismiss the nine states' case. That, some legal experts say, indicates she at least may be seriously considering the motion.

Microsoft has asked the judge to limit the states' attempts to curb the company's tactics in markets for servers, handheld gadgets and set-top boxes. The company says that's beyond the scope of an appeals court ruling that it illegally protected its Windows software monopoly on PCs.

Kollar-Kotelly previously signaled a ruling on Microsoft's request might be imminent. But, she said Tuesday, "I will make a decision in the context of all the evidence," apparently at the end of the trial. That means she will at least hear from executives who will testify that Microsoft doesn't adequately disclose Windows code so their devices can interact smoothly with PCs.

Meanwhile, Microsoft has asked the judge to toss out the states' case. It says they have no legal standing because the firm has already reached a settlement with Justice and nine other states. The judge is weighing that deal against the tougher sanctions.

Twenty-five states, including some that settled, have opposed Microsoft's motion, arguing that even Justice says the states can pursue the case. Kollar-Kotelly said in an order it "seems most prudent to ask" Justice. Justice's Gina Talamona said the agency "will respond as appropriate" after reviewing the order.

Also Tuesday, Microsoft lawyer Richard Pepperman sought to discredit Gateway executive Anthony Fama, who testified that the settlement already has allowed Microsoft to impose onerous terms on his PC company. On cross-examination, Fama conceded Gateway did not raise several of his concerns when the company's license agreements were negotiated recently.

Pepperman also suggested Gateway is biased because Microsoft rival America Online has invested \$800 million in the PC maker.

Spammers Lose in Small Claims Court

Free-speech group Peacefire.org has won a legal round in its fight against unsolicited e-mail, invoking Washington state's anti-spam law.

The King County District Court in Bellevue, Wash., on Monday granted Peacefire \$1,000 in damages in each of three complaints filed by Peacefire Webmaster Bennett Haselton. The small-claims suit alleged that Red Moss Media, Paulann Allison and Richard Schueler sent unsolicited commercial messages to Haselton that bore deceptive information such as a forged return e-mail address or misleading subject line.

Washington's tough anti-spam law bans such deceptive e-mail. Enacted four years ago, the law is one of the nation's first measures that sets standards for junk e-mailers and levies stiff fines for violators. In October, the Supreme Court refused to review a constitutional challenge to Washington's law.

California has a similar anti-spam law that requires marketers to place the letters "ADV" in the subject line, signifying an advertisement. It too has the support of the courts, with a state appeals court ruling the measure does not violate a clause of the U.S. Constitution.

Congress, however, has yet to pass federal legislation governing commercial e-mail, leaving consumers such as Haselton to seek protection under state laws. So far, Peacefire and Haselton have been victorious. In December, they won similar small-claims court rulings against four separate spammers for \$500 each.

Monday's rulings "show there are non-technical means to fight back against spam," Haselton said. "I'm glad to live in a state where we have an effective anti-spam law, and I wish other states would pass similar laws or the federal government would pass one."

Red Moss Media and Schueler could not be immediately reached for comment; Allison declined to comment on the ruling.

The Problem of Fighting Spam

Despite numerous legislative, consumer and technological efforts to weed it out, experts say spam e-mail continues to proliferate, sparking increasing user irritation in the process.

In fact, the problem has worsened in recent months. "There is now 16 times

as much spam on the Internet as there was just two years ago," Gartner vice president Joyce Graff told the E-Commerce Times.

The number one reason is the global rise of Web use, which has given spammers more places to buy mailing lists and more opportunity to copy e-mail addresses from listservs and bulletin boards.

It also offers anonymous spammers new locations in which they can set up fly-by-night e-mail addresses. Moreover, they can switch easily from one location to another, making it nearly impossible to trace the true source of most mass mailings.

"It's like stomping on cockroaches in your kitchen," Graff said. "You can get rid of some, but there are always more coming from somewhere else."

In addition to its cheapness and easy distribution, Graff said the situation is complicated by the fact that spam comes in four distinct varieties, and a couple of the categories include mail that many actually find useful, often in corporate settings.

Graff noted that most e-mail falls into the categories of pure trash (fraudulent schemes, invalid senders and offensive product pitches); chain letters, urban legends and hoaxes; honest small-business owners just looking to make a living (the Net version of plain "junk mail"); and occupational spam from colleagues.

That last category is tough to deal with from a filtering perspective. Graff said it includes industry-related mailing lists and listserv discussions, any one of which can be extremely helpful to someone in one company department -- and totally useless to those in other departments.

Fighting back is difficult because spammers are not hemmed in by state or national boundaries. In the United States, several states have enacted laws prohibiting e-mail bombardment, but those laws are hard to enforce on mail that originates outside the state or country.

Despite this conundrum, several federal bills have been proposed in Congress over the past year, although nothing has been enacted yet.

In the current Congress, the House is considering the Unsolicited Commercial Electronic Mail Act (House Resolution 95). Introduced in 2001 by Representative Gene Green (D-Texas), it would forbid the use of an Internet service provider's facilities to send unsolicited commercial e-mail in violation of the provider's policies, if those policies are clearly posted on a domain-name Web site.

The Senate is considering a revised version of the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN SPAM) Act. Senate Bill 630, introduced last year by Senator Conrad Burns (R-Montana), would mandate that unsolicited e-mail be labeled and include opt-out instructions. The bill also would ban deceptive subject lines and false headers.

Other measures, introduced in 2001 by the previous Congress, also are pending:

Anti-Spamming Act (H.R. 1017), proposed by Representative Bob Goodlatte (R-Virginia), would amend federal computer crime laws to make it illegal to send bulk e-mail with false sender addresses or headers or to distribute software that enables such activity.

Netizens Protection Act (H.R. 3146), by Representative Christopher H. Smith (R-New Jersey), is identical to a 1999 proposal requiring all unsolicited messages to contain the sender's name, physical address and e-mail address as well as opt-out instructions.

Wireless Telephone Spam Protection Act (H.R. 113) would prohibit using wireless messaging systems to send unsolicited advertisements.

Richard Smith, an Internet security and privacy consultant for the Privacy Foundation, told the E-Commerce Times that legislative efforts are being delayed in part by disputes over what is spam and what is proper marketing activity.

"On the legal front, it appears that things are quiet right now for new laws regulating spam," Smith said. "It is a bit difficult to distinguish between spam and legit e-mail."

Smith noted, however, that a growing consumer backlash is forcing the marketing industry to take action.

"The industry is getting really concerned that consumers will start lumping together all commercial e-mail messages in with spam messages," he said. "Groups like the DMA (Direct Marketing Association) therefore are coming up with new rules for commercial e-mail to keep down unsolicited messages and to help consumers determine what are legit offers and what are not."

But Forrester Research senior analyst Daniel O'Brien said that even legitimate marketers need to reassess their use of mass e-mail pitches, which he noted have increased significantly since the September 11th terrorist attacks.

"In the short term, they may think they're getting an effective number of contacts for a very low cost," O'Brien told the E-Commerce Times.

"But in the long term, they're ruining the market," he added. "They're tarnishing their brand name and contributing to the overload."

Until government or industry relief arrives, Smith said, the best way for consumers to reduce spam is to avoid listing their e-mail address in online directories or allowing it to appear on newsgroup messages.

"They also want to limit the number of Web sites that they give their e-mail address to," he added.

Gartner's Graff said most available filtering products and services have limited effectiveness. The majority do no more than create blacklists and block certain senders, but those features are defeated by senders who change names and addresses.

However, Graff said that some software offerings -- most notably Brightmail and Elron -- are taking filtering to a higher level by creating and downloading spam "signatures," much like virus-fighting programs do.

Graff said Brightmail and Elron use sender validation codes and algorithms to determine what is spam. They also offer proactive sensing of spam behaviors, she added.

Study: Big Sites Improving Privacy

Large Web sites are getting better about respecting consumers' privacy online, collecting less data, using fewer tracking devices, and posting more information about their practices, according to a report issued Wednesday.

The Progress & Freedom Foundation, which studies digital technologies and their implications for public policy, had accounting firm Ernst & Young begin surveying the Web pages of the top 100 e-commerce sites, plus a random sample of approximately 300 smaller sites, in December. The Federal Trade Commission and Georgetown University conducted similar "Web sweeps" in 2000, 1999 and 1998.

"The privacy practices and policies of commercial Web sites are continuing to evolve, and, by at least some criteria, to improve," according to the study. "Notably, some of the most significant changes are in the areas that have been identified as raising the greatest concerns for consumers."

Among the key findings:

- Web sites are collecting less data. The study found that the proportion of sites collecting information beyond e-mail dropped from 96 percent to 84 percent among the most popular sites.
- Cookie use is down. Slightly less than half of the most popular Web sites now use cookies, small data files that can be used to store passwords and track data about a browser user. That's down from 78 percent in the last study.
- Almost all of the most popular Web sites post privacy information, findings that are similar to the 2000 study. But the data posted "tended to provide more information and were more likely to be accessible from a site's home page," the study found.
- "Opt in" is now beating out "opt out." Thirty-two percent of the most popular Web sites now ask visitors to opt in if they want to permit their data to be used by third parties, up from 15 percent in the 2000 study. The percentage of popular sites that require people to actively opt out of third-party deals has dropped from 49 percent to 30 percent. However, in a random sample of Web sites, opt out remained the majority policy, although it dropped from 59 percent to 53 percent.

"The changes we have identified are evolutionary, not revolutionary," said PFF President Jeffrey A. Eisenach, a co-author of the report. "But from a consumer perspective, they are all in the right direction."

FBI To Divulge More Carnivore Details

Privacy advocates have won another round in their fight to gain access to more information about the FBI's Carnivore e-mail surveillance system.

A federal judge this week ordered the FBI to expand its search for records about Carnivore, also known as DCS1000, technology that is installed at Internet service providers to monitor e-mail from criminal suspects. The

court denied a motion for summary judgment and ordered the FBI to produce within 60 days "a further search" of its records pertaining to Carnivore as well as a device called EtherPeek, which manages network traffic.

The FBI has defended Carnivore by assuring the public that it only captures e-mail and other online information authorized for seizure in a court order, but the Electronic Privacy Information Center (EPIC) has voiced concerns over potential abuse. EPIC sued the FBI, the investigative arm of the Justice Department, in July 2000 under the Freedom of Information Act so it could examine Carnivore-related documents.

EPIC "has raised a 'positive indication' that the FBI may have overlooked documents in other FBI divisions, most notably the offices of the General Counsel and Congressional and Public Affairs," U.S. District Judge James Robertson wrote in his order.

The court order marks the latest chapter in EPIC's ongoing legal battle with the Justice Department. The lawsuit could have significant implications for the government's tactics of monitoring Internet use in federal investigations.

According to the order, the FBI had completed its processing of EPIC's FOIA request, producing a search of 1,957 pages of material but releasing only 1,665 pages to EPIC. The privacy group claimed those records were inadequate, saying they only addressed technical aspects of Carnivore, not legal and policy implications.

EPIC General Counsel David Sobel said the FBI and Justice Department have been "very grudging" about the Carnivore information they are willing to release.

"A new court-supervised search is likely to result in the release of a lot of significant new information, particularly because the information that we're likely to get now is material dealing with the Justice Department and the FBI's assessment of the legal issues raised by the use of Carnivore," Sobel said. "I think now--especially after Sept. 11 when these kinds of techniques are likely to increase in use--it's even more important that information be made public and how the techniques are being used and how the Justice Department sees the legal issues."

In September 2000, the Justice Department commissioned IIT Research Institute, an arm of the Illinois Institute of Technology, to undergo a review of Carnivore. Two months later, the institute released its findings, saying the technology "protects privacy and enables lawful surveillance better than alternatives." The report said Carnivore provides investigators with no more information than is permitted by a given court order and that it poses no risk to Internet service providers.

The Justice Department and FBI could not be immediately reached for comment.

Kmart Changing Its Colors On BlueLight?

Kmart's Web store, BlueLight.com, is testing whether more people would access the site under the Web address Kmart.com, a company spokesman said Wednesday.

"We're testing to see what kind of response we get from consumers," said Kmart spokesman Dave Karraker. "It does not mean that a permanent change of the URL is imminent." He added that the test is also not a precursor to changing the name of the Web store to Kmart.com.

Since Feb. 24, the company has quietly been posting the new Web address to the bottom of Kmart television advertisements. People visiting Kmart.com are being directed to BlueLight's Web store. The company can monitor how many people use each URL, Karraker said.

BlueLight began a major restructuring last spring that included a management shake-up and the merging of much of the Web store's operations into Kmart's.

The name BlueLight, a play on Kmart's famous "blue light specials," was chosen in the Internet boom times to differentiate it from the brick-and-mortar store, Karraker said. Executives wanted to sell goods on the site not offered at Kmart and position it as an independent company, with the intention of someday filing for an initial public offering.

After Kmart filed for bankruptcy in January, some analysts said that the retailer might be tempted to close the site. But Kmart management has said that the company intends to continue backing the e-commerce operations.

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